

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT CINCINNATI**

AHMAD FAWZI ISSA,

:

Petitioner,

:

Case No. 1:03-cv-280

:

District Judge Walter H. Rice

-vs-

Magistrate Judge Michael R. Merz

:

TIM SHOOP, Warden,  
Chillicothe Correctional Institution,

:

Respondent.

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**REPORT AND RECOMMENDATIONS**

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This capital habeas corpus case is before the Court on remand from the United States Court of Appeals for the Sixth Circuit (Mandate, ECF No. 244) and as reopened on the docket (Notation Order, ECF No. 245).

In compliance with the opinion of the Sixth Circuit (ECF No. 237<sup>1</sup>), it is respectfully recommended that the Court enter a conditional writ of habeas corpus, commanding that the State of Ohio retry the Petitioner within one hundred eighty days of the date of this Court's judgment and, unless Petitioner is again convicted and sentenced pursuant to a new judgment of the Hamilton County Court of Common Pleas, release him from custody.

In lieu of or in addition to objections to this Report, the parties are invited to submit any language they believe should be in the conditional writ.

June 17, 2019.

s/ *Michael R. Merz*  
United States Magistrate Judge

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<sup>1</sup> Published at *Issa v. Bradshaw*, 904 F.3d 446 (6<sup>th</sup> Cir. 2018), *cert den.* 2019 U.S. LEXIS 3523 (2019).

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 153-55 (1985).